

## **PART 6. INVESTIGATIONS AND REVOCATIONS**

**\*\*\*\* Draft – New \*\*\*\***

### **Rule 28.14601 Definitions.**

Rule 601. As used in this part:

(a) “Application process” means the complete process by which an individual becomes a MCOLES licensed law enforcement officer.

(b) “Materially false statements” means false, misleading, inaccurate, or incomplete information or documentation submitted by an individual, or on behalf of an individual, during the application process in order to obtain a license or to gain employment as a law enforcement officer that otherwise would not have been obtained.

(c) “Suspension” means the temporary removal of a licensed law enforcement officer’s authority to access the law enforcement information network (LEIN).

(d) “Wrongful disclosure” means the disclosure of information from the law enforcement information network in violation of MCL 28.214.

### **R28.14602 Investigation; protocol.**

Rule 602. (1) The commission may conduct an investigation, or cause an investigation to be conducted, of an alleged violation of the act, these rules, or a provision of the commission’s policies and procedures manual, published pursuant to R 28.14210 of these rules, by a law enforcement agency, training academy, instructor, or an individual.

(2) The investigation shall be consistent with the provisions of MCL 28.609c and these rules.

(3) The commission shall suspend time limits in these rules for not more than 90 days during the course of an investigation, when the time limits would otherwise expire because of a commission investigation.

### **R28.14603 Complaints; sharing complaint information.**

Rule 603. (1) The commission shall record all complaints, their status, and their resolution.

(2) The commission shall make available to law enforcement agencies as much information as legally permissible regarding complaints for the purpose of conducting background investigations of law enforcement officer applicants.

### **R28.14604 Investigation; individual with a license; felony conviction; revocation.**

Rule 604. (1) If an investigation discloses that a licensed individual was convicted of a felony, the individual may request a hearing. At its discretion, a hearing may be conducted by the commission, but need not be conducted. If held, such a hearing shall be conducted under the provisions of the administrative procedures act and as provided in part 7 of these rules. A certified copy of the order of conviction shall evidence a felony conviction.

(2) The commission may revoke the license of a law enforcement officer who has been convicted of a felony by a judge or jury, or who pled guilty or no contest to a felony.

(3) Upon notification of a final decision of license revocation, the individual shall return the license immediately to the commission.

(4) Individuals who have had a license revoked under this rule shall not be eligible to reapply for a license as long as the felony conviction stands. For the purpose of these rules, set aside or expunged records are considered the same as a conviction.

**R28.14605 Investigation; individual with a license; fraud or false statement; revocation.**

Rule 605. (1) If an investigation discloses that a licensed individual committed fraud or made materially false statements in obtaining a license, that individual shall be afforded the following.

(a) An opportunity to show compliance with all lawful requirements for retention of the license.

(b) A right to request a hearing in accordance with chapter 4 of the administrative procedures act of 1969, being MCL 24.272 to 24.287, and as provided in part 7 of these rules.

(2) If an individual does not request a hearing, the executive director is empowered to revoke the individual's license based on the findings of the investigation.

(3) If a licensed individual is found to have committed fraud or made materially false statements during the application process for a license, as provided in part 7, the commission shall revoke the individual's license.

(4) Upon notification of a final decision of license revocation, the individual shall return the license immediately to the commission.

(5) An individual whose license is revoked under this rule shall not be eligible to reapply for a license for 2 years from the date of revocation. If the individual reapplies after the 2 years expire, the commission shall be given notice of the reapplication.

(6) An individual whose license is revoked under this rule shall include the information related to the revocation in an application for re-licensing. The revocation information shall be considered when determining if the individual complies with the law enforcement officer selection and employment standards.

**Rule 28.14606 Investigation; non-licensed individuals; sanctions.**

Rule 606. (1) If an individual is not licensed in Michigan and an investigation discloses that the individual committed fraud, made false statements, or failed to disclose requested information during the application process for a license, a determination of the appropriate sanction under this rule shall be made by the executive director. The executive director may establish internal procedures necessary to effectuate this rule. The decision of the executive director shall be final.

(2) Sanctions may include, but are not limited to, the following:

(a) A fixed period of time, not less than 2 years, during which the individual shall be ineligible for entry into, or continuation in, the application process.

(b) Specific requirements that shall be met before consideration is given for entry into the application process.

(c) Denial of entry into the application process.

(3) An appeal of a final decision under this rule shall be filed only in the circuit court for Ingham county.

**Rule 28.14607 Investigation; individuals and training academies.**

Rule 607. The commission shall have the authority to investigate an alleged violation of the act, rules, or policies and procedures by a training academy or an individual, not otherwise provided for in these rules. If an investigation discloses that a violation occurred, the sanctions shall be consistent with these rules and the commission's policies and procedures.

**Rule 28.14608 Investigation; law enforcement agencies; sanctions.**

Rule 608. (1) If an investigation discloses a violation of the act or these rules by an individual or an individual acting on behalf of a law enforcement agency, the commission shall be empowered to impose sanctions.

(2) Sanctions may include, but are not limited to, any or all for the following, as deemed appropriate:

(a) A letter of reprimand to the chief administrative officer of the unit of government, with a copy to the agency head.

(b) Ineligibility for training-to-local reimbursement (MCL 28.614).

(c) Reimbursement of funds distributed to the agency, which were in excess of the amount for which the agency was eligible.

(d) Suspension of the right of the agency to have an officer's licenses activated.

**Rule 28.14609 Delegation of power to executive director.**

Rule 609. The authority to investigate, subpoena, and petition the court provided in MCL 28.609c, at the discretion of the commission, may be exercised by the executive director.

**Rule 28.14610 Disclosure of LEIN Information; Suspension**

Rule 610. Upon written notice by the criminal justice information systems policy council of a determination that a licensed individual has wrongfully disclosed information from the law enforcement information network (LEIN), the commission shall suspend the individual from the use of information from the LEIN, for whatever period of time the commission deems appropriate. In making their decision, the commission shall take into consideration the propriety of actions taken by the employing law enforcement agency. The commission shall notify the employing agency and the local area dispatch of the sanction and direct the agency to impose the sanction. A sanction(s) imposed by the commission may run concurrently with a sanction(s) imposed by the employing agency.

**Rule 28.14611 Review of investigations for criminal wrongdoing.**

Rule 611. When an investigation discloses possible wrongdoing of a criminal nature, the executive director or his designee shall refer the case for possible criminal prosecution to the appropriate county prosecuting attorney or the office of the attorney general.